

### **REMARKS/ARGUMENTS**

Claims 1, 2 and 6 - 11 are pending in the application. Claims 2 is withdrawn as a result of an earlier restriction requirement. Claim 6, previously withdrawn as a result of an earlier restriction requirement, is reinstated, as currently amended.

Claims 3 - 5 have been canceled.

The examiner has acknowledged that claims 7 - 9 are directed to allowable subject matter.

### **(Claim Rejections)**

1. The examiner has rejected Claim 1 under 35 U.S.C. 102(b) as anticipated by Lang et al (5123776). The examiner states Lang et al (figures 2) shows all the elements of the Applicant's claim 1 including a substantially flat panel (13), to be supported on a plurality of pedestal support members (4), at least one panel lifter handle (21) having top and side walls, with the side walls having a lug (28) for securing the second ends to the floor panel lower surface when the handle is operated upwardly in an open position, at least one recess means, adjacent to a lateral edge of the floor panel for receiving the top wall of the handle member when the member is operated downwardly in a position planar to the floor panel upper surface.

Applicant respectfully traverses the Examiner's rejection. Lang et al discloses a plastic manhole cover and not a raised access computer room floor panel having a lower surface to be supported on a plurality of pedestal support members. There is no way possible to support the manhole cover of Lang et al on any existing access floor pedestal and stringer support system known in the art. Moreover, while it does show a handles (80) positioned in recessed portions (82), unlike the present invention, the handles in Lang et al are made of a steel rod 3/8" in diameter (Col. 3, l. 10) and recess downwardly into an oval shaped opening. Thus, it does not have the top and side walls as claimed in the Patent Application. This configuration will not work in a floor panel because it does not provide a flat level walking surface, and could result in tripping or other injuries. The handles shown in Lang et al also are not adjacent to a lateral edge of the floor panel, which is necessary for lifting one edge of a floor panel upwardly from the

underlying supporting frame work, at an angle, due to the extreme weight of a floor panel when constructed of steel and coated.

Applicant has made minor amendments to claim 1 to particularly point out that the interchangeable floor panel, in accordance with the present invention, is a plate having a thickness, and that the handle includes a substantially rectangular top plate having a thickness substantially equal to the floor panel plate thickness and a cut-out portion in order to lift the handle. A rectangular clear hole (formerly the recess) is also claimed in a position in order to receive the handle top plate. In this manner, the top plate of the handle is planar with the surface of the floor panel.

2. The Examiner has also rejected Claim 10 as being anticipated by Spransy et al (7360343). The Examiner states that Spransy et al (figures 1, 6) shows an adjustable panel leveler means (22), threadably connected to the floor panel through a hole disposed adjacent to each corner of the floor panel, for biasing against a pedestal support member.

Applicant respectively traverses the Examiner's rejection. Spransy et al (7360343 B1) shows what was old in the art by providing adjustable pedestals (22) threadably connected to the pedestal head in order to adjust the height of the floor in relation to the subfloor, prior to installation of the floor panels. In accordance with the present invention, the levelers (3, 5) are an element of the interchangeable floor panel for adjustment of the panel *in situ* so as to match the thickness of existing floor panels when used to replace an existing floor panel. Also, in Spransy et al, the threaded screws (26) are fasteners used to fasten the floor panel to the pedestal head, and not to level the panel in relation to the pedestal support head, after the pedestal support members had been adjusted in height in relation to the subfloor. In this manner, unlike in present invention, the floor panels cannot be adjusted, in height, with the floor panel in place to match a thickness of the existing adjacent floor panels. Spransy et al does not provide a level device as an element of the floor panel, for biasing against a pedestal support head without utilization of sub-structure pedestal support leveling mechanism (22).

Applicant has made minor amendments to claim 10 to particularly point out that the floor panel, in accordance with the present invention, is interchangeable, and that the

panel includes four set screws (not fasteners) in order to permit vertical adjustment of the floor panel plate upper load bearing surface to a predetermined level which is planar to an adjacent raised floor panel.

3. The Examiner has also rejected Claim 11 as being unpatentable over Spransy et al in view of Lang et al (5123776). The Examiner states that Spransy et al (figures 1, 6) shows an adjustable panel leveler means (22), threadably connected to the floor panel through a hole disposed adjacent to each corner of the floor panel, for biasing against a pedestal support member.

Based on the foregoing arguments the Applicant respectfully traverses the Examiner's rejection. In addition, the Applicant submits the 1.132 Affidavit of Gary Meyer as further evidence of unobviousness. The Meyer Affidavit evidences that until the present invention that there was a long felt need for an interchangeable floor panel, but that it was only until the Applicant's invention of panel levelers that interchangeable floor panels became a reality. The Applicant has also achieved a great deal of commercial success, which began by word of mouth, with his interchangeable floor panels which include the levelers and also, in the perforated panel market, lifter handles. Finally, the pending claims, in the present application, have been licensed by others, as a result of litigation displacing a knock off panel, even before issuance. Thus, the rejected claims were not obvious to one skilled in the art at the time that the invention was made.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,  
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**37 C.F.R. 1.8**

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1/13/9

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